

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A  
JUDGE: CYNTHIA A. HOLLOWAY  
NO.: 00-143

Florida Supreme Court  
Case No.: SC00-2226

**FILED**  
THOMAS D. HALL  
OCT 12 2001  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

EMERGENCY MOTION TO STAY PROCEEDINGS AND  
MOTION TO ENFORCE SETTLEMENT

COMES NOW Respondent, Cynthia A. Holloway, by and through her undersigned counsel, and files this Emergency Motion to Stay Proceedings and Motion to Enforce Settlement and as grounds therefore would show:

1. On October 11, 2001, Respondent, Cynthia A. Holloway, through counsel, forwarded a signed Stipulation to the Chairman of the Judicial Qualifications Commission, the Honorable James R. Wolf, pursuant to ongoing negotiations between Respondent's counsel, Special Counsel and Judge Wolf, as Chairman of the JQC.

2. Judge Wolf and Special Counsel have indicated their willingness to endorse the referenced Stipulation in settlement of this cause.

3. On October 11, 2001, Respondent, through counsel, was advised that the Investigative Panel of the Judicial Qualifications Commission had rejected the stipulated settlement endorsed by Judge Wolf as Chairman and Special Counsel.

4. Pursuant to Judicial Qualifications Commission Policies, the Investigative Panel loses jurisdiction of a JQC prosecution ninety (90) days after the filing of formal charges.

5. The Amended Formal Charges in this cause were filed on or about June 19, 2001.

6. Therefore, the Investigative Panel ceased to have jurisdiction over this matter on or after September 18, 2001.

7. Accordingly, the Investigative Panel of the Judicial Qualifications Commission is without jurisdiction to reject the stipulated settlement endorsed by Special Counsel and Judge Wolf.

8. The Investigative Panel's refusal to accept the stipulated settlement underscores the need for bifurcation of the proceedings which was effectuated by amendment to the Constitution of the State of Florida in November 1996.

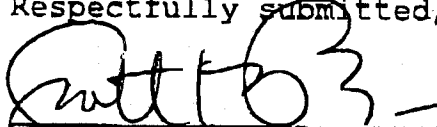
9. Despite orally agreeing to the stipulation, Special Counsel and Judge Wolf have indicated a reluctance to sign the settlement agreement based upon the improper interference of the Investigative Panel.

10. Pursuant to JQC Policies, jurisdiction of this matter now vests solely with the Hearing Panel to accept or reject the stipulation reached between Respondent, Special Counsel and Judge Wolf as Chairman of the JQC.

WHEREFORE and by reason of the foregoing, Respondent respectfully requests this Honorable Court exercise its original jurisdiction and enforce the settlement stipulation entered into

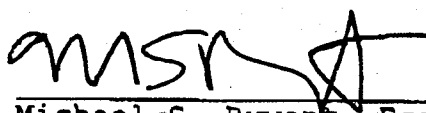
between Respondent's counsel, Special Counsel and Judge Wolf.

Respectfully submitted,



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SMITH & TOZIAN, P.A.

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Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of October, 2001, the original of the foregoing Emergency Motion to Stay Proceedings and Motion to Enforce Settlement has been furnished by Facsimile and U.S. Mail to: Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927 with copies by U.S. Mail to:

Honorable James R. Wolf (U.S. Mail and Facsimile)  
Chair, Investigative Panel  
Judicial Qualifications Commission  
First District Court of Appeals  
301 South Martin Luther King, Jr. Boulevard  
Tallahassee, Florida 32399-1850

Beatrice A. Butchko, Esquire (U.S. Mail and Facsimile)  
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P. O. Box 391

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✓ Honorable James R. Jorgenson (U.S. Mail and Facsimile)

Chair, Hearing Panel

Judicial Qualifications Commission

1110 Thomasville Road

✓ Tallahassee, Florida 32303

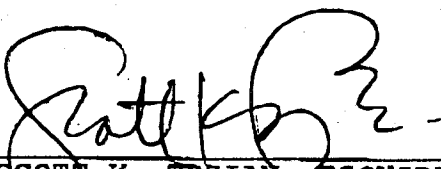
Ms. Brooke Kennerly (U.S. Mail and Facsimile)

Executive Director

Judicial Qualifications Commission

1110 Thomasville Road

Tallahassee, Florida 32303

  
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